

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE: : CASE NO. 10-93904-BHL-11
EASTERN LIVESTOCK CO., LLC, : (Judge Basil H. Lorch III)
Debtor. :
: **MOTION OF THE FIRST BANK**
: **AND TRUST COMPANY TO FILE**
: **DOCUMENTS AND DEPOSITION**
: **TRANSCRIPTS UNDER SEAL**
:

The First Bank and Trust Company ("First Bank"), by and through its undersigned counsel, moves to file several documents under seal. A memorandum in support is attached.

Respectfully submitted,

/s/ Daniel J. Donnellon

Daniel J. Donnellon, pro hac vice
Stephen A. Weigand, pro hac vice
FARUKI IRELAND & COX P.L.L.
201 East Fifth Street, Suite 1420
Cincinnati, OH 45202
Telephone: (513) 632-0300
Telecopier: (513) 632-0319
Email: ddonnellon@ficlaw.com
sweigand@ficlaw.com

Attorneys for The First Bank and Trust
Company

**MEMORANDUM IN SUPPORT OF MOTION OF THE FIRST BANK AND
TRUST COMPANY TO FILE DOCUMENTS AND
DEPOSITION TRANSCRIPTS UNDER SEAL**

The First Bank and Trust Company ("First Bank"), by and through its undersigned counsel, moves to file certain documents under seal: (1) Document labeled WF012639-41 (produced in unredacted by Wells Fargo and designated "Confidential"); (2) Document labeled WF012642-43 (produced by Wells Fargo and designated "Confidential"); (3) Wells Fargo & Company Policy Regarding Legal Conflicts of Interest (effective 2010); and (4) July 27, 2012 and August 3, 2012 Transcripts of Videotaped Deposition of James Knauer (Volume I and II), including marked Exhibits. In the spirit of cooperation, because Wells Fargo has not designated any portion of the deposition transcripts as "Confidential," First Bank is filing the entire deposition transcripts under seal. Wells Fargo and First Bank are currently engaged in good-faith discussions whether documents labeled WF012639-41 and WF012642-43 are properly designated as "Confidential Material" under the terms of the Stipulated Confidentiality Agreement [Dkt. No. 722]. Although Wells Fargo did not produce a copy of the 2010 Wells Fargo & Company Policy Regarding Legal Conflicts of Interest to First Bank, Wells Fargo has stated that this version should be treated as confidential. Therefore, First Bank is filing the 2010 version of the Policy under seal.

In accordance with the Stipulated Confidentiality Agreement entered by the Court, First Bank has placed Wells Fargo on notice of its Objections to the Confidentiality of its Conflicts Policies documents referencing the Conflicts Policies particularly when the most recent version of its formal June, 2012 Policy is available on the world wide web. Under the Stipulated Confidentiality Agreement, Wells Fargo "must file a motion for protective order" to maintain the confidentiality, but First Bank remains under restrictions to preserve the perceived

confidentiality by filing under seal until Wells Fargo can be heard. First Bank expects that Wells Fargo will eventually withdraw its confidentiality designation or file a motion for a protective order as is its burden under the Stipulated Confidentiality Agreement. In the further spirit of cooperation, because such a protective order cannot be filed and heard at this time, First Bank is filing these documents under seal, but Wells Fargo does not oppose the introduction, presentation or use of such materials at the hearing set for Monday, August 20, 2012.

First Bank relies and quotes from documents labeled WF012639-41 and WF012642-43 in its Reply Memorandum in Support of Renewal of Objection of The First Bank and Trust Company to Application to Employ Baker & Daniels, LLP (n/k/a Faegre Baker Daniels LLP) as Counsel to Chapter 11 Trustee [Dkt. No. 1357] and Reply Memorandum in Support of Motion of The First Bank and Trust Company to Remove Trustee Pursuant To 11 U.S.C. § 324 [Dkt. No1361]. First Bank has filed redacted versions of the reply memoranda, but will file clean versions of the reply memoranda under seal.

Respectfully submitted,

/s/ Daniel J. Donnellon

Daniel J. Donnellon, pro hac vice
Stephen A. Weigand, pro hac vice
FARUKI IRELAND & COX P.L.L.
201 East Fifth Street, Suite 1420
Cincinnati, OH 45202
Telephone: (513) 632-0300
Telecopier: (513) 632-0319
Email: ddonnellon@ficlaw.com
sweigand@ficlaw.com

Attorneys for The First Bank and Trust
Company

CERTIFICATE OF SERVICE

I certify that on the 19th day of August, 2012, I electronically filed the foregoing Motion of The First Bank and Trust Company to File Documents and Deposition Transcripts Under Seal with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to CM/ECF participants:

David L. Abt
davidabt@mwt.net

John Frederick Massouh
john.massouh@sprouselaw.com

Judy Hamilton Morse
judy.morse@crowedunlevy.com

C.R. Bowles, Jr
crb@gdm.com

John W. Ames
jwa@gdm.com

John M. Thompson
john.thompson@crowedunlevy.com

James A. Knauer
jak@kgirlaw.com

Robert Hughes Foree
robertforee@bellsouth.net

Jessica E. Yates
jyates@swlaw.com

John Hunt Lovell
john@lovell-law.net

Kim Martin Lewis
kim.lewis@dinslaw.com

Matthew J. Ochs
matt.ochs@moyewhite.com

Mark A. Robinson
mrobinson@vhrlaw.com

Jeremy S Rogers
Jeremy.Rogers@dinslaw.com

Laura Day Delcotto
ldelcotto@dlgfir.com

Jeffrey R Erler
jeffe@bellnunnally.com

Ivana B. Shallcross
ibs@gdm.com

Kelly Greene McConnell
lisahughes@givenspursley.com

Edward M King
tking@fbtlaw.com

Deborah Caruso
decaruso@daleek.com

T. Kent Barber
kbarber@dlgfir.com

Randall D. LaTour
rdlatour@vorys.com

Meredith R. Thomas
mthomas@daleeke.com

Ross A. Plourde
ross.plourde@mcafeetaft.com

Bret S. Clement
bclement@acs-law.com

William Robert Meyer, II
rmeyer@stites.com

Walter Scott Newbern
wsnewbern@msn.com

John R. Carr, III
jrciii@acs-law.com

Christie A. Moore
cm@gdm.com

Kirk Crutcher
kcrutcher@mcs-law.com

James M. Carr
jim.carr@bakerd.com

Allen Morris
amorris@stites.com

Todd J. Johnston
tjohnston@mcjllp.com

Robert K. Stanley
robert.stanley@bakerd.com

James Bryan Johnston
bjtexas59@hotmail.com

Timothy T. Pridmore
tpridmore@mcjllp.com

Terry E. Hall
terry.hall@bakerd.com

James T. Young
james@rubin-levin.net

Theodore A Konstantinopoulos
ndohbky@jbandr.com

Dustin R. DeNeal
dustin.deneal@bakerd.com

David L. LeBas
dlebas@namanhowell.com

Karen L. Lobring
lobring@msn.com

Sandra D. Freeburger
sfreeburger@dsf-atty.com

Lisa Kock Bryant
courtmail@fbhlaw.net

Elliott D. Levin
robin@rubin-levin.net
edl@trustesolutions.com

John M. Rogers
johnr@rubin-levin.net

Jeremy S. Rogers
Jeremy.rogers@dinslaw.com

John David Hoover
jdhoover@hovverhull.com

Sean T. White
swhite@hooverhull.com

Robert H. Foree
robertforee@bellsouth.net

Sarah Stites Fanzini
sfanzini@hopperblackwell.com

Michael W. McClain
mike@kentuckytrial.com

William E. Smith
wsmith@k-glaw.com

Susan K. Roberts
skr@stuartlaw.com

James Edwin McGhee
mcghee@derbycitylaw.com

Thomas C. Scherer
tscherer@binghamchale.com

David A. Laird
david.laird@moyewhite.com

Jerald I. Ancel
jancel@taftlaw.com

Jeffrey J. Graham
jgraham@taftlaw.com

Trevor L. Earl
tearl@rwsvlaw.com

Christopher E. Baker
cbaker@hklawfirm.com

David Alan Domina
dad@dominalaw.com

Kent A. Britt
kabritt@vorys.com

Joshua N. Stine
jnstine@vorys.com

Jill Zengler Julian
Jill.Julian@usdoj.gov

Jeffrey L. Hunter
jeff.hunter@usdoj.gov

Amelia Martin Adams
aadams@gldfirm.com

Michael Wayne Oyler
moyler@rwsvlaw.com

Jason W. Cottrell
jwc@stuartlaw.com

Robert A. Bell
rabell@vorys.com

Andrea L. Wasson
andreawassonatty@gmail.com

Anthony G. Raluy
traluy@fbhlaw.net

Harmony A. Mappes
Harmony.mappes@faegrebd.com

James B. Lind
jblind@vorys.com

James E. Rossow, Jr.
jim@rubin-levin.net

Jeffrey R. Erler
jeffe@bellnunnally.com

Kelly Greene McConnell
lisahughes@givenspursley.com

Kevin M. Toner
Kevin.toner@faegrebd.com

Kim Martin Lewis
Kim.lewis@dinslaw.com

Melissa S. Giberson
msgiverson@vorys.com

John Huffaker
John.huffaker@sprouselaw.com

Shawna M. Eikenberry
Shawna.eikenberry@faegrebd.com

Wendy W. Ponader
Wendy.ponader@faegrebd.com

W. Wesley Harned
wharned@dlgfir.com

/s/ Stephen A. Weigand
Stephen A. Weigand